

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CRIMINAL No. 05-30042 MLW

UNITED STATES OF AMERICA )  
v. ) DEFENDANT'S MOTION FOR  
RICARDO DIAZ ) LEAVE TO SUBPOENA  
 ) IMPOUNDED PROBATE RECORD

NOW come the defendant herein, Ricardo Diaz, and resentfully requests leave to subpoena the impounded court file in the following case:

Massachusetts Department of Revenue Child Support  
Enforcement Division on behalf of the  
Department of Transitional Assistance  
and Alba Roman v. Julian Rios

Hampden County Probate and Family Court No. 89W0017

The defendant states as grounds the following:

1. Julian Rios is a key witness in the instant prosecution, a cooperating individual who is alleged to have made numerous controlled narcotic purchases, including the two transactions alleged in this case.
2. The defendants have received documents indicating that Mr. Rios has been ordered to pay a very modest amount of child support which does not appear to comport with his incomes from his activities on behalf of the government as an informant.
3. In the ordinary course of Probate and Family Court child support litigation, Mr.

Rios would have been required to file a financial disclosure under oath with the court. A gross understatement of income on such a document would be highly relevant to Mr. Rios' credibility.

4. Hampden County Probate and Family Court No. 89W0017 is impounded, and therefore cannot be accessed by the defense without an order of the court.

Wherefore the defendant respectfully requests that the above-described relief be granted.

DATED: April 25, 2006

Respectfully submitted,  
Ricardo Diaz, Defendant

By: /s/ Terry Scott Nagel  
Terry Scott Nagel, Esq.  
95 State Street, Suite 918  
Springfield, MA 01103  
(413) 731-8811  
BBO#: 366430